

# **WASTE MANAGEMENT COUNCIL**

**Minutes of February 21, 2008**

**State of New Hampshire  
Department of Environmental Services  
29 Hazen Drive, Room 112, 113, and 114  
Concord, New Hampshire 03301**

**MEMBERS PRESENT:** G. Bradley Richards, Chairman; Ronald Allard; Michael Blayney; Charles Connell; Steven Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Carl Quiram; and Duncan Watson.

**NHDES:** Thomas C. Andrews, P.E., Waste Management Division  
Carl W. Baxter, P.E., Administrator, Waste Management Division  
Frederick J. McGarry, P.E., DEE, Assistant Director,  
Waste Management Division  
Richard Pease, P.E., Waste Management Division  
Michael J. Wimsatt, P.E., Director, Waste Management Division

**GUESTS:** John V. Dwyer, Jr., Esq.,  
Peter Roth, Esq., Office of the Attorney General  
James L. Soucy, Esq., Normand and Associates

## **(1) Introduction**

- (A) Chairman Richards brought the meeting to order at 10:05 a.m. verifying that a quorum was present.

## **(2) Pending Business**

- (A) Acceptance of Minutes for Meeting January 21, 2008: A motion was made to accept the Minutes of the January 21, 2008 meeting. Motion made by Mr. Allard, seconded by Ms. Kinner. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for March 20, 2008 and will be held at the NHDES offices.
- (C) Correspondence: Chairman Richards will review correspondence later in the meeting.

10:10 a.m. – Mr. Blayney arrived.  
10:16 a.m. – Attorney Roth arrived.

**(3) Guest Speaker: Michael J. Wimsatt, P.E., Director, Waste Management Division**

Mr. Wimsatt reviewed the following bills currently being tracked by the Waste Management Division.

- HB 1401 relative to adopting the uniform environmental covenants act.
- HB 1635 relative to permits for motor vehicle salvage facilities and motor vehicle crushers.
- HB 1429 relative to private landfills.
- HB 1621 relative to requiring a refundable deposit on beverage containers.

Mr. Wimsatt gave a brief synopsis regarding the hiring freeze, which will effect the Administrator position for the Waste Programs and the Administrative Supervisor position. Mr. Wimsatt will be conducting interviews and submitting waivers in hopes to have the positions filled.

Mr. Wimsatt also updated the Council regarding a Brownfields Loan Revolving Fund payment and other Division activities.

10:30 a.m. – Mr. Pease and Mr. Baxter arrived.  
10:32 a.m. – Mr. Wimsatt retired.  
10:35 a.m. – Meeting adjourned for recess.  
10:45 a.m. – Meeting reconvened.

**(4) Appeal Hearing**

Docket Number: 07-26 WMC  
Appellant: Simard Family Trust Appeal  
Subject of Appeal: October 30, 2007 Auburn Road Landfill Superfund Site  
Groundwater Management Permit No. GWP-198803007-L0001

Arthur Cunningham stated that he recuses himself from this hearing.

Chairman Richards would like to consolidate 07-26 WMC, 08-10 WMC, and 08-11 into one appeal. However, Attorney John Dwyer mentioned that January 16, 2008 DES modification letter is terminated and Attorney Roth agreed. Attorney John Dwyer will withdraw his appeal, Docket No. 08-11 Auburn Road Performing Party Group.

A motion was made to postpone the appeal hearing and to have all parties submit a status report by March 10<sup>th</sup>. If a settlement agreement is not reached by March 10<sup>th</sup>, an appeal hearing will be scheduled for the next Council meeting on March 20<sup>th</sup>. Motion made by Mr. Connell, seconded by Mr. Allard. All in favor.

**(5) Appeal Status**

Docket Number: 08-08 WMC  
Appellant: Richard A. Mottolo  
Subject of Appeal: January 11, 2008, Richard A. Mottolo  
Groundwater Management Permit No. GWP-198704094-R-001

A motion was made to accept the appeal. Motion made by Mr. Allard, seconded by Mr. Blayney. All in favor. The appeal hearing is scheduled for March 20<sup>th</sup> at 10:30 a.m.

**(6) New/Old Business**

Mr. Quiram provided an update regarding the C&D Task Force meeting.

11:35 a.m. – Council adjourned for lunch.  
12:35 p.m. – Meeting reconvened.

**(7) Adjournment**

At 12:40 p.m., Mr. Allard moved to adjourn the meeting. Mr. Quiram seconded. The Council unanimously agreed to adjourn.

*Respectfully submitted by Almorinda M. Samson, Waste Management Council Clerk.  
A copy of the audio taped recording of this meeting is available upon request. Please contact Ms. Samson at (603) 271-2905 for more information.*